

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

Case 28-CA-169508

NATIONAL ASSOCIATION OF LETTER  
CARRIERS, SUNSHINE BRANCH 504,  
affiliated with NATIONAL ASSOCIATION  
OF LETTER CARRIERS, AFL-CIO

**DECISION AND ORDER**

Statement of the Case

On July 25, 2016, the United States Postal Service (the Respondent), National Association of Letter Carriers, Sunshine Branch 504, affiliated with National Association of Letter Carriers, AFL-CIO (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facilities located at 111 Alvarado SE, Albuquerque, New Mexico (the Respondent's Highland facility).

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

2. The labor organization involved

The Union and National Association of Letter Carriers, AFL-CIO (the National Union) are labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The employees of the Respondent referred to in the collective-bargaining agreement described below, including the Respondent's employees employed at its 111 Alvarado SE, Albuquerque, New Mexico facility (the unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act and Chapter 12 of the PRA.

At all material times, the National Union has been the designated exclusive collective-bargaining representative of the unit and has been recognized as the representative by the Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from January 10, 2013, until May 20, 2016 (the Agreement).

At all material times, the National Union, based on Section 9(a) of the Act and Section 10(a) of the PRA, has been the exclusive collective-bargaining representative of the unit.

The National Union has designated the Union as its designee for the purpose of conducting certain functions as the exclusive collective-bargaining representative of the unit, including, but not limited to, the filing and processing of grievances under the Agreement at the Respondent's Albuquerque, New Mexico, facilities and serving as the union representative for unit employees during investigatory interviews conducted by the Respondent.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Albuquerque, New Mexico, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

(a) Refusing to bargain collectively with National Association of Letter Carriers, AFL-CIO, or its constituent National Association of Letter Carriers, Branch 504, by

refusing to provide or delaying in providing requested information that is necessary and relevant in order to perform its duties as the exclusive collective-bargaining representative of the unit at the Respondent's Albuquerque, New Mexico facilities.

(b) In any other manner interfering with, restraining, or coercing its employees in the exercise of their right to self organization, to form labor organizations, to join or assist the Union or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days from the date of the Board's Order, bargain in good faith with the exclusive collective-bargaining representative of its Union-represented employees by informing the Union, in writing, as local agents of the National Union, that the Respondent will timely provide them with relevant requested information in the future and that the Union may request relevant requested information from the Respondent.

(b) Provide to the National Union or the Union the information requested in writing dated January 22, 2016, regarding GATS reports for the following 13 grievances: High 052-15, High 053-15, High 056-15, High 057-15, High 064-15, High 062-15, High 065-15, High 066-15, High 068-16, High 070-16, High 071-16, High 072-16, and High 073-16. This information shall be provided without the necessity of the National Union or the Union making a new request.

(c) Within 14 days of service by Region 28 of the National Labor Relations Board, the Respondent will post at its Highland Station, located at 111 Alvarado Drive SE, Albuquerque, New Mexico, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 28, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since January 22, 2016.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certificate of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., September 21, 2016.

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Mark Gaston Pearce,	Chairman
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Philip A. Miscimarra,	Member
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Lauren McFerran,	Member
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(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **APPENDIX A**

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

**WE WILL NOT** fail to bargain collectively with National Association of Letter Carriers, Sunshine Branch 504, affiliated with National Association of Letter Carriers, AFL-CIO (the Union) by delaying in providing or by refusing to provide requested information that is necessary and relevant to represent the Union's represented bargaining unit of city letter carrier employees at our facilities located in Albuquerque, New Mexico.

**WE WILL NOT** in any other manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, in a timely manner, provide to the Union the information it requested in writing to us dated January 22, 2016 regarding GATS reports for the following 13 grievances: High 052-15, High 053-15, High 056-15, High 057-15, High 064-15, High 062-15, High 065-15, High 066-15, High 068-16, High 070-16, High 071-16, High 072-16, and High 073-16.

### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlrb.gov/case/28-CA-169508](http://www.nlrb.gov/case/28-CA-169508) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

